

Remarks

In this Response, claims 17, 18, 20, 28, 33, 36, and 46 have been amended; claims 22, 32, and 40-43 have been canceled, without prejudice. These amendments are fully supported by the originally filed application. No new matter is added.

Claims 17- 21, 23-28, 30, 31, 33-39, and 44-46 are presented for examination.

Examiner Interview

The undersigned would like to thank Examiner Dillon for courtesies extended through interview of March 9, 2011. In this interview, Examiner Dillon and the undersigned discussed the rejection of claim 22 and it was agreed that an amendment clarifying that the disregarding of the data access command is based at least in part on the receipt of the response at the network interface would overcome the instant rejection of claim 22. Amendments similar to those discussed are presented by this response.

Rejections under 35 U.S.C. 103

In the Office Action, claims 17-21, 23-28, 30, 31, 33-41, and 44-46 were rejected under 35 USC 103 as being unpatentable over Wang (US Patent 6,834,326) (hereinafter "Wang") in view of Lee (*"Petal: Distributed Virtual Disks"*) (hereinafter "Lee"); and claims 22 and 32 were rejected under 35 USC 103(a) as being unpatentable over Wang and Lee as combined with respect to claim 28, in further view of Vigue (US Patent 6,983,326) (hereinafter "Vigue").

Claim 17 has been amended to recite, in part, that the controller is configured to "... disregard the data access command based at least in part on the receipt of the response via the network interface."

As discussed in the Interview, Vigue, at best, teaches that a node may cancel a request when it receives an "I found" message from the requesting entity. This teaching of Vigue fails to teach or fairly suggest that a controller of a storage appliance is configured to "...disregard the data access command based at least in part on the receipt of the response via the network interface [of the storage appliance]." For at least

these reasons, claim 17 is patentable over the combination of Wang, Lee, and Vigue.

Claims 18-21, 23-28, 30, 31, 33-39, and 44-46 depend from claim 17 or include recitations similar to the recitation discussed above. Therefore, these claims are patentable over these references for at least reasons similar to those given above with respect to claim 17.

Conclusion

For these reasons, a Notice of Allowance, allowing claims 17- 21, 23-28, 30, 31, 33-39, and 44-46 is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at 503-796-2972. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

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